

U.S. Broadcasting

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FCC MAIL ROOM

July 30, 1999

Magalie R. Salas
Secretary of the FCC
445 12th Street SW
Washington, D.C. 20554

Re: RM-9208, RM-9242 and MM Docket #99-25

Dear Secretary Salas:

I am writing on behalf of The Magic Broadcasting Companies and our affiliated partnership, U.S. Broadcasting L.P., with comments concerning the Low Power FM topic now under consideration by the FCC.

Here are our thoughts on this matter:

...the broadcasting industry has always relied on the FCC to "manage the spectrum" in a responsible manner that minimizes interference between stations broadcasting on frequencies close to one another. The creation of "minimum distance separation requirements" between the classes of stations has been the architecture and anchor we have lived with and counted on to provide interference free service to the listening public within our coverage area. We believe the FCC, first and foremost, should be the guardian and champion of interference free broadcasting.

...if we accept the "minimum distance separation requirement" philosophy as technically correct and necessary for "interference free" broadcasting, we must ask the question how does Low Power FM fit into the current set of rules? Will the current requirements change, and if so, how? Will LPFM be protected? Will it be a regulatory nightmare?

...has the FCC conducted extensive engineering studies on this matter and shared the results with the broadcasting community? In the interest of fair play, we urge that no decision be made on the subject without the FCC first sharing with the broadcasting industry the following information:

1. All FCC authorized technical and research data regarding interference in the FM band and impact on the pending introduction of DAB.

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2. The impact LPFM will have on the current set of rules? What will the new rules be?
3. How many and where will the LPFM allocations be assigned?

...the broadcasting industry should be given ample time to respond to the above information provided by the FCC.

...LPFM will be a totally different type of service from "broadcasting". The definition of broadcasting is "throwing a wide net". On the other hand, LPFM is "narrow casting" with the power too low to be commercially viable. Perhaps analogous to the broadcast industry is the aviation industry where you have Piper Cubs landing at the same airport as professionally piloted 747's ten times the size of the Piper Cub. This is a dangerous situation. In fact, I believe it is an aviation industry practice to separate the big guys from the little guys, so nobody gets hurt, by having separate private airfields and public commercial airports. Carrying this analogy further, perhaps LPFM shouldn't be in the commercial band at all. Maybe there is enough space to the left of 92.1 or right of 107.9 to create a separate "airport" for the mini broadcasters. Or, maybe the Internet is the place for additional "stations". Why drop LPFM's into an already crowded FM band? While congested, the FM band is a fairly well organized and managed spectrum. Would the FCC be creating an "air controller" nightmare by having all these new little guys flying in the same crowded air space? Will LPFM be a regulatory mess? Is it manageable?

...one of the arguments for LPFM is to allow minorities access to more radio stations to have their voices heard. Our response is the USA has more radio stations than it needs now and that minorities do have outlets for their voices. There are AM's and FM's broadcasting foreign language and minority programs in practically every community containing a significant minority population. Just a few examples are:

Macon, GA – has two FM's and one AM playing "black gospel" music with time available any day of the week for black ministers to buy time and air their programs. There is no shortage of availability.

Dalton and Gainesville, GA – AM's playing Mexican programming to the newly arrived Mexican work force.

To sum up our position:

1. The number one responsibility of the FCC is to manage an interference free spectrum. How does LPFM square with this responsibility?
2. LPFM is not broadcasting...it is neighborhood narrow casting. Does it belong in the mainstream FM spectrum? We don't think so.
3. If it is to go in the FM spectrum, is it manageable from an FCC spectrum management standpoint?

4. Is LPFM really needed given the very large quantity of stations and variety of formats already serving the same segment of the audience envisioned by the LPFM proponents?
5. No one seems to know the significance of the LPFM proposal. Will the impact be great or small? Given the great unknown on this subject and possible disastrous consequences, a decision to go forward should only be made after all affected parties are satisfied with the decision making process. This means all interference test and analyses, rules governing LPFM, and other appropriate subjects applying to this matter have been introduced, weighed and analyzed to come up with a "go or no go" decision. This decision cannot be made on an emotional basis for social engineering purposes, but rather on cold unemotional look at the facts and realities of LPFM operating in the FM band in a non-interference manner.

Thank you for this opportunity to express our serious concerns and opinions on this important subject.

Sincerely,

A handwritten signature in black ink, appearing to read "Douglas Grimm". The signature is fluid and cursive, with a large initial "D" and "G".

Douglas Grimm
Executive Vice President
The Magic Broadcasting Companies
General Partner
U.S. Broadcasting L.P.